

upon the filing of the suit and the deposit of the amount of their appraisal in court, the title passes.

Now, that is a little different procedure from the old procedure where they went into court for the condemnation suit and the title did not pass until after the jury made its award and the award was paid to the person having his property condemned. When you get into this advanced taking, or what is known as "quick take" by many of the attorneys, while you might deal liberally with it for public uses it should be dealt with very sparingly when it comes to private corporations.

But I have provided that it can be granted even to those private corporations where there is that immediate and urgent necessity shown. If there is not an immediate and urgent necessity, of course, the private corporation would condemn in the usual manner, namely, not get the title to the land until after the jury made its award and the payment of the award was made to the person having the property condemned.

DELEGATE J. CLARK (presiding): Delegate Weidemeyer, I misinformed you. There are fifteen minutes provided for this.

DELEGATE WEIDEMEYER: If I need it in the future, I will reserve it.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Kiefer.

DELEGATE KIEFER: Do we have a quorum?

DELEGATE J. CLARK (presiding): Are you suggested the absence of a quorum?

DELEGATE KIEFER: Yes.

DELEGATE J. CLARK (presiding): Delegate Kiefer has suggested the absence of a quorum.

The Clerk will ring the bell, please.

Roll call.

*(The roll was called.)*

Has everyone indicated his presence? The Clerk will take the roll. 108 persons being present, the quorum is present, the Committee of the Whole can proceed.

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman and ladies and gentlemen of the Committee, I feel like the sexton who kept ringing the church bell very loudly and saying "If they

ain't going to come to church, they ain't going to sleep either."

I am not going to fight with my friend Delegate Weidemeyer. There are 22 statutes on the books involving the right of eminent domain. There is a rule of court that is quite complete about this matter.

Delegate Weidemeyer has covered a small part of it. If we try to revise and revamp and review all the condemnation laws we will never get anywhere. I suggest this is really a statutory matter and although I have a great deal of sympathy and feeling toward what he is saying, I do not believe that it belongs in the constitution but it should be a matter headed by statute.

I request that this amendment be defeated.

DELEGATE WEIDEMEYER: Mr. President, I have a little more time and I do want to answer Delegate Kiefer. This does not overrule existing statutes because it is not intended to. This covers the authority to be exercised by the sovereign or the county in granting eminent domain powers to private corporations and I cannot see anything statutory about it which regulates the power to grant and to delegate that eminent domain power.

If it were specifying in detail, that would be one thing, but this is limiting, specifying, and regulating the power and delegation of that authority. Therefore, I must stand up for my rights and clarify that statement.

DELEGATE J. CLARK (presiding): Delegate Kiefer, do you have anyone who wishes to speak on this?

DELEGATE KIEFER: No, sir.

DELEGATE J. CLARK (presiding): If not, the question arises on the adoption of Amendment No. 19.

Are you ready for the question?

A vote Aye is a vote adopting the amendment; a vote No rejects it.

The Clerk will take the roll.

Has everyone voted? Does anyone desire to change his vote?

*(There was no response.)*

The Clerk will take the roll.

There being 41 votes in the affirmative and 69 in the negative, the amendment fails. The motion fails and the amendment is rejected.